

Message Text

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43

ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 IOE-00 ACDA-05 CIAE-00

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FEAE-00 DODE-00 SS-15 SSO-00 NSCE-00 INRE-00 ACDE-00

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O 131637Z FEB 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 7078

INFO AMEMBASSY BONN IMMEDIATE

AMEMBASSY BERLIN IMMEDIATE

USMISSION BERLIN IMMEDIATE UNN

AMEMBASSY BRASILIA IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMCONSUL RIO DE JANEIRO IMMEDIATE

USERDA GERMANTOWN IMMEDIATE

C O N F I D E N T I A L IAEA VIENNA 1168

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: IAEA, TECH, PARM, UR, BR, GW, WB, PFOR, AORG, OCON

SUBJECT: FRG/IAEA/BRAZIL TRILATERAL SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 0834

SUMMARY: DURING RECENT ROUTINE CONSULTATIONS WITH SOVIETS RE ITEMS TO BE CONSIDERED BY IAEA BOARD OF GOVERNORS FEBRUARY 24/25, SOVIETS EXPRESSED CONCERN RE SUBJECT AGREEMENT AND IT WAS AGREED THAT U.S. AND SOVIET MISOFFS WOULD MEET LATER TO DISCUSS DETAILS OF THEIR CONCERNS. AS RESULT OF THESE DISCUSSIONS, WHICH ARE SUMMARIZED BELOW, IT APPEARS THAT SOVIETS

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ARE MAKING EFFORTS TO HAVE BG CONSIDERATION OF THIS

AGREEMENT POSTPONED. END SUMMARY

1. SOVIET REP EXPRESSED FOLLOWING MAJOR CONCERNS RE SUBJECT AGREEMENT: A) THIRD PREAMBULAR PARA REFERS ONLY TO FRG/BRAZIL REQUEST THAT AGENCY APPLY ITS SAFEGUARDS TO NUCLEAR MATERIAL SUPPLIED, TRANSFERRED OR PRODUCED UNDER THE BILATERAL AGREEMENT, AND NOT RPT NOT TO NUCLEAR EQUIPMENT AND/OR FACILITIES. HE SAID THAT THIS WAS INCONSISTENT WITH INFCIRC/66/ REV. 2 OF SAFEGUARDS DOCUMENT, WHICH INCLUDES PROCEDURES FOR APPLYING AGENCY SAFEGUARDS TO EQUIPMENT AND FACILITIES. B) HE NOTED THAT ONE OF THE AREAS OF COOPERATION TO BE ENCOMPASSED BY THE AGREEMENT INCLUDED URANIUM ENRICHMENT (ARTICLE 3.1(C)) AND QUESTIONED APPROPRIATENESS OF INCLUDING THAT AREA AT THIS TIME SINCE AGENCY HAS NO RPT NO PUBLISHED PROCEDURES FOR SAFEGUARDING ENRICHMENT PLANTS. C) STARTING POINT OF TWENTY YEAR PERIOD SPECIFIED IN ARTICLE 3.2 WAS NOT RPT NOT FULLY CONSISTENT WITH LONDON GUIDELINES, SINCE AGREEMENT STATES THAT 20 YEAR PERIOD IS TO BEGIN ON OCCASION OF FIRST TRANSFER OF RELEVANT TECHNOLOGICAL INFORMATION RATHER THAN DATE OF COMPLETION OF CONSTRUCTION OF FIRST FACILITY USING SUCH INFORMATION. D) HE ALSO MENTIONED SERIOUS PROBLEM WITH ARTICLE 26 RELATING TO WEST BERLIN, WHICH WE HAD BEEN INFORMED ABOUT PREVIOUSLY (IAEA VIENNA 0822).

2. MISOFFS RECOGNIZED THAT THERE WAS SOME JUSTIFICATION FOR QUESTIONING OMISSION OF REFERENCE TO APPLICATION OF SAFEGUARDS TO NUCLEAR EQUIPMENT AND FACILITIES IN AN INFCIRC/66-TYPE AGREEMENT, BUT NOTED THAT SECOND SENTENCE OF ARTICLE 4 APPEARED TO PROVIDE BASIS FOR ASSURING THAT NO RPT NO NUCLEAR MATERIAL PRODUCED, PROCESSED OR USED IN EQUIPMENT OR FACILITIES SUPPLIED WOULD BE LEFT UNSAFEGUARDED.

3. RE SECOND POINT, MISOFFS NOTED THAT PARA 9 OF DG'S COVERING MEMO ACKNOWLEDGES THAT IT WILL BE NECESSARY FOR AGENCY TO TAKE TIMELY STEPS TO EXTEND CONFIDENTIAL

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THE SAFEGUARDS DOCUMENT BY ADDING SPECIAL PROCEDURES FOR ENRICHMENT PLANTS, AND THAT OUR UNDERSTANDING OF ARTICLE 25 IS THAT SUCH PROCEDURES WOULD AUTOMATICALLY BE APPLICABLE UNDER THIS AGREEMENT.

4. RE THIRD POINT, WE ACKNOWLEDGED THAT STARTING POINT OF 20 YEAR PERIOD TIED TO TRANSFER OF INFORMATION RATHER THAN DATE OF COMPLETION OF

CONSTRUCTION OF FACILITY BASED ON SUCH INFORMATION WAS NOT RPT NOT EXACTLY IN CONFORMITY WITH LONDON GUIDELINES, BUT THAT WE SUSPECTED FRG WOULD CLAIM THAT THEIR BILATERAL AGREEMENT WITH BRAZIL AND NEGOTIATION OF THIS TRILATERAL WERE COMPLETE OR NEARLY COMPLETE BY THE TIME THE GUIDELINES WERE ADOPTED AND THAT THE GUIDELINES SHOULD NOT RPT NOT BE MADE RETROACTIVE TO COVER PREVIOUS AGREEMENTS. FURTHER, WE POINTED OUT THAT IT WOULD BE VERY DIFFICULT TO DISCUSS IN THE BOARD ANY ASPECT OF THE LONDON GUIDELINES WHICH WERE STILL SUPPOSED TO BE "SECRET."

5. ON FINAL POINT, MISOFFS NOTED THAT WE WERE SEEKING INSTRUCTIONS ON BERLIN CLAUSE QUESTION. WE EXPRESSED HOPE THAT THIS ARTICLE WOULD NOT PROVE TO BE STUMBLING BLOCK FOR THIS AGREEMENT, AND THAT WHATEVER PROBLEMS THERE WERE, MIGHT BE RESOLVED THROUGH STATEMENTS FOR THE RECORD DURING BOARD DISCUSSIONS.

6. SOVIET REP INDICATED THAT MOSCOW REELS STRONGLY THAT BOARD SHOULD NOT ACT TOO HASTILY ON THIS AGREEMENT, SINCE THERE ARE SEVERAL NEW PROVISIONS INVOLVED WHICH SHOULD BE THOROUGHLY STUDIED, PARTICULARLY SINCE THIS IS FIRST SAFEGUARDS AGREEMENT TO BE PRESENTED TO BOARD FOLLOWING CONCLUSION OF LONDON GUIDELINES, AND THAT IT IS IMPORTANT, THEREFORE, THAT IT SHOULD NOT BE FLAWED IN ANY WAY. SOVIETS STRONGLY PREFER THAT CONSIDERATION OF THIS AGREEMENT BE POSTPONED FOR LATER CONSIDERATION, PERHAPS EVEN AT A SPECIAL SESSION OF THE BOARD TWO OR THREE WEEKS LATER.

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FURTHER, SOVIET REP MENTIONED THAT LONDON GUIDELINES CALLED FOR "CONSULTATION" AND THAT FRG HAS NOT RPT NOT CONSULTED WITH USSR ON THIS PROPOSED TRANS-ACTION. IN RESPONSE TO OUR QUESTION, SOVIET REP SAID THEY HAD NO RPT NO INSTRUCTIONS TO APPROACH FRG ON THE SUBJECT. MISOFFS EXPLAINED THAT WE HAD HAD SEVERAL DISCUSSIONS WITH FRG OFFICIALS RELATED TO THIS AGREEMENT, AND THAT ITS PROVISIONS HAD BEEN SUBSTANTIALLY IMPROVED DURING THE COURSE OF THESE DISCUSSIONS AND NEGOTIATION WITH AGENCY. WE NOTED THAT IT MIGHT BE DIFFICULT TO MUSTER SUFFICIENT SUPPORT IN BG FOR POSTPONING CONSIDERATION OF THIS AGREEMENT, ALTHOUGH WE WOULD, OF COURSE, REPORT MATTER TO WASHINGTON. USMISSION HAS INFORMED FRG AND UK

RESREPS IN GENERAL TERMS OF SOVIET DESIRE FOR DELAY.

7. SOVIET REP ALSO INDICATED HE EXPECTED THIS MATTER TO BE DISCUSSED DURING U.S./USSR PRE-BOARD CONSULTATIONS FEBRUARY 16, AND ALSO THAT PROFESSOR MOROKHOV INTENDED TO RAISE MATTER WITH DG EKLUND AT FIRST OPPORTUNITY FOLLOWING HIS ARRIVAL IN VIENNA. (WE HAVE SINCE LEARNED THAT AMB. EROFEEV CALLED ON DG FEBRUARY 12 TO EXPRESS HIS CONCERN ABOUT THIS AGREEMENT, BUT WE HAVE NO RPT NO DETAILS.)

8. DISCUSSION THEN TURNED TO FRANCE/IAEA/PAKISTAN TRILATERAL. SOVIET REP INDICATED THAT HE HAD NOT RPT NOT YET SEEN ANY TEXT OF THIS AGREEMENT, WHICH HAS STILL NOT RPT NOT BEEN OFFICIALLY CIRCULATED AS BG DOCUMENT. WE NOTED THAT WE HAD HAD SOME DISCUSSIONS WITH SECRETARIAT ABOUT THIS PROPOSED AGREEMENT, BUT DID NOT RPT NOT MENTION THAT WE HAD RECEIVED AN ADVANCE COPY. IT IS HIGHLY LIKELY, ON BASIS SOVIET POSITION ON FRG/IAEA/BRAZIL AGREEMENT, THAT THEY PROBABLY WILL ALSO URGE THAT CONSIDERATION OF THIS AGREEMENT ALSO BE POSTPONED, SINCE THEY CLEARLY WILL NOT RPT NOT HAVE SUFFICIENT TIME TO STUDY TEXT.

9. MISSION PLANS TO FOLLOW THIS SITUATION CLOSELY
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AND WILL REPORT FURTHER DETAILS. LABOWITZ

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Message Attributes

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